## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

CARMEN HILL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:08CV892 ERW
	)	
LEWIS MITCHELL COMPANY, et al.,	)	
	)	
Defendants	)	

## MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff's submission of a complaint and motion to proceed in forma pauperis. After reviewing the complaint, the Court finds that the complaint should be dismissed for lack of subject matter jurisdiction.

Plaintiff brings this action against several private actors involved with either selling her real property or foreclosing on that real property. In the complaint, plaintiff brings counts for fraudulent misrepresentation, violation of Missouri usury statutes, breach of contract, civil conspiracy, trespassing, violations of the Missouri Merchandising Practices Act, intentional infliction of emotional distress, and negligence. All of these counts sound in state law.

Plaintiff's only allegation of federal jurisdiction is that "Federal law governs the interpretation and enforcement of the promissory notes and Deed of Trust between

[plaintiff and defendants]." This allegation is wholly conclusory and fails to state any

basis for jurisdiction in this Court.

Additionally, the parties are not diverse. So there is no basis for jurisdiction

pursuant to either 28 U.S.C. § 1331 or 28 U.S.C. § 1332. As a result, the Court will

dismiss this action pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY ORDERED that this action is DISMISSED pursuant to Rule

12(h)(3) of the Federal Rules of Civil Procedure.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 24th Day of July, 2008.

E. Bahard Hahlen

E. RICHARD WEBBER UNITED STATES DISTRICT JUDGE

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